

STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH STATE CLEARINGHOUSE AND PLANNING UNIT



ARNOLD SCHWARZENEGGER GOVERNOR

June 12, 2007

Marilyn Mirrasoul City of San Diego 1222 First Avenue San Diego, CA 92101-4135

Subject: General Plan Update SCH#: 2006091032

Dear Marilyn Mirrasoul:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on June 11, 2007, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

C-1

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely

Terry Roberts

Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044 (916) 445-0613 FAX (916) 325-3018 www.opr.ca.gov C-1 Comment acknowledged. This letter acknowledges compliance with the State Clearinghouse review requirements for draft environmental documents.

Document Details Report State Clearinghouse Data Base

SCH# Project Title Load Agency	2006091032 General Plan Update San Diego, City of				
Туре	EIR Draft EIR				
Description	The City of San Diego General Plan Update is proposed to replace the existing 1979 Progress Guide and General Plan (1979 General Plan). The General Plan sets out a long-range, comprehensive framework for how the city will grow and develop, provide public services, and maintain the qualities that define San Diego over the next 20-30 years. The proposed update has been guided by the City of Villages growth strategy and citywide policy direction contained within the General Plan Strategic Framework Element (adopted by the City Council on October 22, 2002). The Draft General Plan is comprised of an Introductory Strategic Framework chapter and nine elements; Land Use and Community Planning; Mobility; Urban Design; Public Facilities, Services and Safety; Economic Prosperity; Recreation; Conservation; Historic Preservation; and Noise. The update to the Housing Element was adopted by the City Council under separate cover on December 5, 2006.				
Lead Agend	y Contact				
Name	Marilyn Mirrasoul				
Agency	City of San Diego	500 FF			
Phone	(619) 446-5380	Fax			
emall	Nan-E/177				
Address	1222 First Avenue				
City	San Diego	State CA Zip 92101-4135			
Project Loca					
County	San Diego				
City	San Diego				
Region					
Cross Streets					
Parcel No.	2000	The second of th			
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Proximity to	:				
Highways					
Airports					
Railways					
Waterways					
Schools					
Land Use					
roject Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Cumulative Effects; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Public Services; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Soild Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Other Issues				
Reviewing Agencies	Resources Agency; Department of Conservation; Department of Fish and Game, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Office of Emergency Services; California Highway Patrol; Caltrans, District 11; Department of Housing and Community Development; State Water Resources Control Board, Division of Water Rights; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission				
ate Received	04/28/2007 Start of Review	04/27/2007 End of Review 06/11/2007			



STATE OF CALIFORNIA GOVERNOR'S OFFICE of PLANNING AND RESEARCH STATECLEARINGHOUSEAND PLANNING UNIT



Memorandum

Date:

May 16, 2007

To: From: All Reviewing Agencies Scott Morgan, Senior Planner

Re:

SCH # 2006091032

General Plan Update

The State Clearinghouse is forwarding the attached material from the Lead Agency regarding some additional information for the above-mentioned document. All other project information remains the same.

cc: Marilyn Mirrasoul City of San Diego 1222 First Avenue San Diego, CA 92101-4135

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044 (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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STATE OF CALIFORNIA

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NATIVE AMERICAN HERITAGE COMMISSION 915 CAPITOL MALL, ROOM 384 SACRAMENTO, CA95814 (916) 053-6251 Fax (916) 657-5390 Web Site www.nahc.ca.gov



June 4, 2007

Ms. Marilyn Mirrasoul CITY OF SAN DIEGO 1222 First Avenue San Diego, CA92201

-mail: ds_nahe@pacbell.net

Re: SCH#2006091032: CEQA Notice of Completion: Draft Environment Impact Report (DEIR) for City of San Diego General Plan Update: San Diego County, California

Dear Ms. Mirrasout:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. This letter and the accompanying Native American Tribal Consultation List meets the consultation requirements of both California Government Code §65352.3 (SB 18) and California Environmental Quility Act (CEQA) Guidelines §15064.5. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines §15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action: V Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the



- D-1 Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf The record search will determine.
 - If a part or the entire APE has been previously surveyed for cultural resources. If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.

V If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center

V Contact the Native American Heritage Commission (NAHC) for:

- A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request. USGS 7.5-minute quadrangle citation with name, township, range and section;
- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American. Contacts on the attached list to get their input on potential project impact (APE). The Commission is concerned that relations between the City of San Diego will improve as they are apparently strained as result of disagreements over the conduct of several projects during calendar year 2006.
- V Lack of surface evidence of archeological resources does not preclude their subsurface existence
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

D-1 Comment acknowledged. This comment letter contains recommended assessment and mitigation measures necessary for site-specific projects which may impact sensitive Native American resources.

It has always been the City's intent to ensure that as part of the CEQA process, issues associated with important archaeological sites and/or traditional cultural properties are adequately addressed and mitigated for in accordance with state law if avoidance cannot be accomplished. It is anticipated that this intent will be enhanced as part of a cooperative effort between the City of San Diego and the local Native American community, and through the City's use of updated procedures related to archaeological resources.

The City of San Diego has recently developed six steps which are utilized by EAS during the CEQA Initial Study process. These steps are used to establish the baseline methods for identifying, evaluating, and recording historical resources. In addition, the City of San Diego is currently in the process of updating the Historical Resources Guidelines and the DSD CEOA Significance Determination Thresholds to incorporate procedures for evaluating potential impacts to archaeological resources early in the CEQA Initial Study process. Additional information is being incorporated in the Guidelines regarding Native American contact as part of the archaeological background study and CEQA Initial Study process.

The current archaeological MMRPs for public and private projects have also been updated to require Native American monitoring in high sensitivity areas as determined in consultation with qualified City staff. The updated MMRPs include a condition that a preconstruction meeting must include the Native American monitor or work will not be allowed to commence. The City is also working to improve contract specification language for public projects as it relates to compliance with applicable state laws for the treatment of human remains.

 Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

V Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

V Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cornetery.

V. Lead agencies should consider avoidance, as defined in 5 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Please feel free Jo contact me at (916) 653-6251 if you have any questions.

Janicoroly

Program Analyst

Co: State Clearinghouse

Attachment: List of Native American Contacts

Native American Tribal Consultation List San Diego County June 4, 2007

Barona Group of the Capitan Grande Rhonda Welch-Scalco, Chairperson 1095 Barona Road Diegueno Lakeside CA 92040 sue@barona-nsn.gov (619) 443-6612

Ewiiaapaayp Tribal Office Harlan Pinto, Sr., Chairperson PO Box 2250 Alpine , CA 91903-2250 wmlcklin@ leaningrocknet

La Posta Band of Mission Indians Gwendolyn Parada, Chairperson PO Box 1120 Diegueno Boulevard , CA 91905

(619) 478-2113

(619) 445-6315 - voice

Manzanita Band of Kumeyaay Nation Leroy J, Elliott, Chairperson PO Box 1302 Kumeyaay

Boulevard . CA 91905

(619) 766-4930

San Pasqual Band of Mission Indians Allen E. Lawson, Chairperson PO Box 365 Diegueno Valley Center + CA 92082

(760) 749-3200

Sycuan Band of the Kumeyaay Nation Danny Tucker, Chairperson 5459 Sycuan Road El Cajon , CA 92021 ssilva@sycuan-nsn.gov

Viejas Band of Mission Indians Bobby L. Barrett, Chairperson PO Box 908 Diegueno/Kurneyaay

Alpine , CA 91903 daguilar@viejas-nsn.gov (619) 445-3810

619 445-2613

Campo Kumeyaay Nation H. Paul Cuero, Jr., Chairperson 36190 Church Road, Suite 1 Kumeyaay

Campo CA 91906 chairgoff@aol.com

(619) 478-9046

Jamul Indian Village Leon Acebedo, Chairperson P.O. Box 612

Jamul » CA 91935 jamulrez@sctdv.net (619) 669-4785

Mesa Grande Band of Mission Indians Mark Romero, Chairperson

P.O Box 270 Diegueno Santa Ysabel CA 92070 mesagrandebanc@ msn.com

Diegueno/Kumeyaay

(760) 782-3818

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 653523.

Native American Tribal Consultation List San Diego County June 4, 2007

Kwaaymii Laguna Band of Mission Indians Carmen Lucas P.O. Box 775 Diegueno - Kwaaymii Pine Valley , CA 91962 (619) 709-4207

Kumeyaay Cultural Repatriation Committee Steve Banegas, Spokesperson 1095 Barona Road Diegueno/Kumeyaay Lakeside CA 92040 (619) 443-6612

Santa Ysabel Band of Diegueno Indians
Devon Reed Lomayesva, Esq. Tribal Attorney
PO Box 701 Diegueno
Santa Ysabel , CA 92070
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(760) 765-0845

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